

### REMARKS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion is respectfully requested.

This amendment is submitted in accordance with 37 C.F.R. § 1.116, which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. The present amendment places the claims in condition for allowance, and does not raise new issues requiring further consideration and/or search. Therefore, it is respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

Claims 1-16 are pending and Claims 1-2, 6-7 and 11 are amended. No new matter is introduced.

In the outstanding Office Action, Claims 1-2, 6-7 and 11 were rejected under 35 U.S.C. § 112, second paragraph; and Claims 1-3, 6-8 and 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bjorn (U.S. Patent 6,035,398, hereafter “Bjorn”) in view of Metlitsky et al. (U.S. Patent 5,545,886, hereafter “Melitsky”) in further view of Rowe et al. (U.S. Publication 2002/0009213, hereafter “Rowe”).

Initially, Applicants wish to thank Examiner King for the courtesy of a personal interview conducted with Applicants’ representatives on March 19, 2010. During the interview, the outstanding issues in this case were discussed as summarized herein below and in the Interview Summary, which the Examiner has made of record. Examiner King stated that the amendments presented herein appear to overcome the cited references and the 35

U.S.C. § 112 rejection, but no agreement was reached pending further search and consideration by the Examiner.

Further, the Specification is amended to reflect the reference designators illustrated in Fig. 3 and to address cosmetic formal issues.

In reply to the rejection of claims 1-2, 6-7 and 11 under 35 U.S.C. § 112, second paragraph, it is believed that the claim amendments made herein render the rejection moot.

In reply to the rejection of Claims 1-3, 6-8 and 11-16 as being unpatentable over Bjorn in view of Metlitsky in further view of Rowe, amended Claim 1 recites, *inter alia*, an encryption device that includes:

an imaging unit configured to perform imaging on a target and to output analog first and second signals,

the first signal including image data of an inside portion of the unique confidential target, and

the second signal including image data of a *diffusion plate located inside the imaging unit* to create variation patterns unique to the imaging unit (Emphasis added.)

Turning to the primary reference, Bjorn describes generating a secure unique cryptographic key using biometric data.<sup>1</sup> More specifically, Bjorn describes a feature extraction unit (240) for receiving a fingerprint from a fingerprint sensor (195) and extracting relevant features of the fingerprint.<sup>2</sup> A hashing unit (280) then uses the relevant features to create a cryptographic key.<sup>3</sup> The outstanding Office Action acknowledges that Bjorn does not teach or suggest the “second signal including uniform image data of a uniform image

---

<sup>1</sup> Bjorn at column 1, lines 5-7 and lines 33-37.

<sup>2</sup> Id.

<sup>3</sup> Id. at column 3, lines 43-60.

target to create variation patterns unique to the imaging unit” of amended Claim 1 but identifies Metlitsky as curing this deficiency in Bjorn.

Metlitsky describes a scanning apparatus for generating a scanned light beam to read bar code symbols.<sup>4</sup> More specifically, Metlitsky describes outputting light from an array (10) onto a bar code symbol (14) to obtain data from the bar code symbol (14).<sup>5</sup>

Metlitsky, however, does not describe obtaining image data by outputting light from array (10) to a bar code symbol (14) located within the scanning apparatus. Instead, Metlitsky describes obtaining scanned image data by emitting light from array (10) to a bar code symbol (14) located *outside* the scanning apparatus.<sup>6</sup> Conversely, amended Claim 1 recites a “second signal including image data of a *diffusion plate located inside the imaging unit* to create variation patterns unique to the imaging unit.” Therefore, Metlitsky fails to describe the encryption device of amended Claim 1 and Rowe does not cure this deficiency in Metlitsky. Accordingly, no combination of Bjorn, Metlitsky and Rowe describe every feature recited in amended Claim 1 and amended Claim 1, together with any claims depending therefrom, is believed to be in condition for allowance.

Moreover, amended Claims 6 and 11 recite features substantially similar to those recited in amended Claim 1, and are thus believed to be in condition for allowance, together with any claims depending therefrom. Accordingly, it is respectfully requested that the rejection of Claims 1-3, 6-8, and 11-16 under 35 U.S.C. § 103(a) be withdrawn.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal

---

<sup>4</sup> Metlitsky at column 1, lines 11-13.

<sup>5</sup> Id. at column 7, lines 58-67.

<sup>6</sup> Id.

allowance. Therefore, a Notice of Allowance for Claims 1-3, 6-8 and 11-16 is earnestly solicited.

Should the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP § 714.13 specifically rebutting the points raised herein.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 08/09)

Aldo Martinez  
Registration No. 61,357